

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA

UNITED STATES OF AMERICA)	
)	
v.)	Criminal No. 04-25 Erie
)	
CHESTER MORRELL)	
DANIEL MORRELL)	

MOTION TO DESTROY FIREARMS

AND NOW comes the United States of America, by its attorneys, Mary Beth Buchanan, United States Attorney for the Western District of Pennsylvania, and Marshall J. Piccinini, Assistant United States Attorney for said district, and respectfully moves this Court, pursuant to the All Writs Act, Title 28, United States Code, Section 1651(a) to enter an order authorizing Special Agents of the Bureau of Alcohol, Tobacco, Firearms, and Explosives, to destroy certain firearms seized from the defendant during the investigation of this case. In support thereof, the government alleges as follows:

1. That on or about May 11, 2004, the defendants were indicted for violation of Title 26, United States Code, Section 5861(d).

2. That on or about October 27, 2004, each defendant entered a plea of guilty to possession of an unregistered firearm, a violation of Title 26, United States Code, Section 5861(d).

3. That on or about January 25, 2005, defendant Daniel Morrell was sentenced to 18 months of incarceration, and on or

about June 9, 2005, defendant Chester Morrell was sentenced to three years of probation.

4. That during the course of the investigation, the following weapons were seized from the defendants:

(a) .30 caliber machine gun with bipod, serial #762N; and

(b) three small samples of detonation cord, rendered safe.

5. That, as a result of defendants' felony convictions in the United States District Court for the Western District of Pennsylvania, it is unlawful for either defendant to possess any firearm¹ or ammunition² or to receive any firearm or ammunition, Title 18, United States Code, Section 922(g)(1).

¹ The term "firearm" means "(A) any weapon (including a starter gun) which will or is designed to or may readily be converted to expel a projectile by the action of an explosive; (B) the frame or receiver of any such weapon; (C) any firearms muffler or firearm silencer; or (D) any destructive device." 18 U.S.C. §921(a)(3).

² The term "ammunition" means "ammunition or cartridge cases, primers, bullets, or propellant powder designed for use in any firearm." 18 U.S.C. §921(a)(17)(A).

WHEREFORE, as a result of defendants' felony convictions, it is respectfully requested that this Court enter an order authorizing Special Agents of the Bureau of Alcohol, Tobacco, Firearms and Explosives to destroy the above-described weapons.

Respectfully submitted,

MARY BETH BUCHANAN
United States Attorney

s/ Marshall J. Piccinini
MARSHALL J. PICCININI
Assistant U.S. Attorney
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